

### **Remarks**

The non-final Office Action dated April 26, 2007, lists that following objection and rejections: the specification is objected to; claim 7 stands rejected under 35 U.S. C. § 112(2); claims 1-5 stand rejected under 35 U.S. C. § 102(b) over Wild (U.S. Patent No. 5,310,698); claims 6-7 stand rejected under 35 U.S. C. § 103(a) over Wild in view of Todd (U.S. Patent No. 6,821,825); claims 1-3, 5 and 7 stand rejected under 35 U.S. C. § 102(b) over Hamasaki (U.S. Patent No. 5,250,448); and claims 4 and 6 stand rejected under 35 U.S.C. § 103(a) over Hamasaki in view of Todd.

Applicant respectfully submits that the amendments to claim 7 render the § 112(2) rejection of claim 7 moot. Thus, Applicant requests that the § 112(2) rejection of claim 7 be withdrawn.

Applicant respectfully traverses the § 102(b) rejection of claims 1-5 based upon the Wild reference because the cited portions of Wild fail to correspond to the claimed invention. For example, the cited portions of Wild do not correspond to aspects of the claimed invention directed to forming a layer of arsenic on a region of monocrystalline silicon and forming a layer of non-monocrystalline silicon on a region of silicon oxide, with the region of monocrystalline silicon and the region of silicon oxide being situated next to each other at the surface of the semiconductor body. Applicant notes that the Office Action does not provide any specific assertion of correspondence between the Wild reference and the claimed invention. In order to comply with 35 U.S.C. § 132, sufficient detail must be provided by the Examiner regarding the alleged correspondence between the claimed invention and the cited reference to enable Applicant to adequately respond to the rejections. *See, also*, 37 CFR 1.104 (“The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.”) and M.P.E.P. § 706.02(j), (“It is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply.”)

In this instance, the Office Action generally discusses the teachings of Wild and cites to both Figures and essentially the entire Specification of Wild (*i.e.*, the abstract and cols. 3-6, lines 1-67). Applicant has reviewed the Wild reference and fails to find any teaching relating to a region of monocrystalline silicon and a region of silicon oxide that

are situated next to each other at the surface of a semiconductor body. For example, Wild's Figure 2 shows an arsenic layer in a trench on monocrystalline silicon and two separate SiO<sub>2</sub> layers; however, the monocrystalline silicon is not situated next to either of these SiO<sub>2</sub> layers at the surface of the semiconductor body. Thus, it is unclear how the Office Action is asserting that Wild teaches forming a layer of non-monocrystalline silicon on a region of silicon oxide as claimed. Applicant submits that the Wild reference does not disclose these aspects of the claimed invention.

In view of the above, the § 102(b) rejection of claims 1-5 is improper and Applicant requests that it be withdrawn. Should any rejection based upon the Wild reference be maintained, Applicant respectfully requests that the Examiner specifically identify which parts of Wild are being asserted as corresponding to the various elements of the claimed invention, to which Applicant should be afforded an opportunity to respond. *See, e.g.*, M.P.E.P. § 706.07.

Applicant respectfully traverses the § 103(a) rejection of claims 6-7 (based upon the Wild reference) because the cited portions of Wild do not correspond to the claimed invention as discussed above in relation to the § 102(b) rejection of claim 1. In at least this regard, the § 103(a) rejection of claims 6-7 is improper because these claims depend from claim 1. Accordingly, the § 103(a) rejection of claims 6-7 is improper and Applicant requests that it be withdrawn.

Applicant respectfully traverses the § 102(b) rejection of claims 1-3, 5 and 7 based upon the Hamasaki reference because the cited portions of Hamasaki fail to correspond to the claimed invention. For example, the cited portions of Hamasaki do not correspond to aspects of the claimed invention directed to forming a layer of arsenic on a region of monocrystalline silicon. In contrast, the cited portions of Hamasaki teach that arsenic is doped in a surface portion of silicon monocrystalline substrate 1 to form layer 2. *See, e.g.*, Figure 1A and Col. 3:17-20. Thus, Hamasaki implants the arsenic into the substrate 1 instead of forming a layer of arsenic on the substrate 1.

Moreover, the Office Action cites to numerous portions of the Hamasaki reference without providing any specific assertion of correspondence between these portions and the claimed invention. For example, the Office Action generally discusses the teachings of Hamasaki and cites to fourteen different Figures (*i.e.*, Figures 1A-1M);

however, the Office Action does provide any explanation regarding which parts of Hamasaki correspond to the various aspects of the claimed invention. Applicant has reviewed the cited portions of the Hamasaki reference and fails to find any teaching relating to a region of monocrystalline silicon and a region of silicon oxide that are situated next to each other at the surface of a semiconductor body. Thus, it is unclear how the Office Action is asserting that Hamasaki teaches forming a layer of non-monocrystalline silicon on a region of silicon oxide as claimed. Applicant submits that the cited portions of the Hamasaki reference do not disclose these aspects of the claimed invention.

In view of the above, the § 102(b) rejection of claims 1-3, 5 and 7 is improper and Applicant requests that it be withdrawn. Should any rejection based upon the Hamasaki reference be maintained, Applicant respectfully requests that the Examiner specifically identify which parts of Hamasaki are being asserted as corresponding to the various elements of the claimed invention, to which Applicant should be afforded an opportunity to respond. *See, e.g.,* M.P.E.P. § 706.07.

Applicant respectfully traverses the § 103(a) rejection of claims 4 and 6 (based upon the Hamasaki reference) because the cited portions of Hamasaki do not correspond to the claimed invention as discussed above in relation to the § 102(b) rejection of claim 1. In at least this regard, the § 103(a) rejection of claims 4 and 6 is improper because these claims depend from claim 1. Accordingly, the § 103(a) rejection of claims 4 and 6 is improper and Applicant requests that it be withdrawn.

Applicant has added new claims 8-11, which depend from claim 1. Applicant respectfully submits that claims 8-11 are in condition for allowance over the Wild and Hamasaki references for at least the reasons discussed above in relation to the § 102(b) rejections of claim 1.

Regarding the Office Action's suggestion to add section headings, Applicant respectfully declines because the indicated suggestions in 37 C.F.R. § 1.77(b) are not statutorily required for filing a non-provisional patent application under 35 USC § 111(a), but per 37 C.F.R. § 1.51(d) are only guidelines that are suggested for applicant's use. They are not mandatory, and in fact when Rule 77 was amended in 1996 (61 FR 42790,

Aug. 19, 1996), Bruce A. Lehman, Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, stated in the Official Gazette:

Section 1.77 is permissive rather than mandatory. ... 1.77 merely expresses the Office's preference for the arrangement of the application elements. The Office may advise an applicant that the application does not comply with the format set forth in 1.77, and suggest this format for the applicant's consideration; however, the Office will not require any application to comply with the format set forth in 1.77.

In view of the above, Applicant prefers not to add section headings.

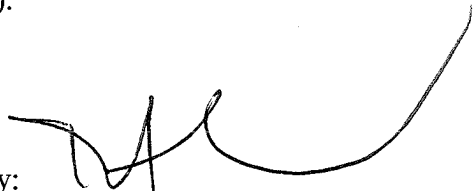
Regarding the Examiner's note on page 6 of the instant Office Action, Applicant submits that a certified copy of the original foreign application, specification, and drawings (*i.e.*, EP 02080509.09) was provided for the instant application as required by 35 U.S. C. § 119(a)(3). Applicant notes that copies of these documents can be found in the image file wrapper in public PAIR on the USPTO's website. As the requirements of § 119(a)(3) have been met, it is unclear to Applicant what additional documentation is being requested by the Examiner.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

*Please direct all correspondence to:*

Corporate Patent Counsel  
NXP Intellectual Property & Standards  
1109 McKay Drive; Mail Stop SJ41  
San Jose, CA 95131

CUSTOMER NO. 65913

By:   
Name: Robert J. Crawford  
Reg. No.: 32,122  
651-686-6633  
(NXPS.420PA)